

**RECEIVED
CENTRAL FAX CENTER**

MAR 27 2006

IN THE UNITED STATES PATENT OFFICE

Patent Application Serial No.: 09/990,326

Our Ref: PT-1475000

CUSTOMER NO. 23607

Applicants: Anthony Derosé

Agent: Neil H. Hughes, P. Eng.
c/o Ivor M. Hughes
Barrister & Solicitor
Patent & Trade Mark Agents
Suite 200,
175 Commerce Valley Dr. W.
Thornhill, Ontario.
L3T 7P6, CANADA

Title:

Inventor: Anthony Derosé

Examiner: Joanne Silbermann

Group Art Unit: 3611

Due Date: April 10, 2006

No. of Pages including this sheet: 29

DELIVERED TO FACSIMILE NO. (571) 273-8300

March 27, 2006

Commissioner of Patents
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Attention: Ms. Viola R. Smith
Legal Instruments Examiner

Dear Ms. Smith:

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper:

- 1) Letter to Commissioner of Patents dated March 27, 2006
- 2) Copy of Notice of Non-Compliant Amendment dated March 10, 2006
- 3) Copy of Response to outstanding Final Office Action dated September 8, 2005

is being facsimile transmitted to the United States Patent Office Facsimile
No. (571) 273-8300 on the date shown below.

NEIL H. HUGHES
Agent for Applicant

Signature: 

Date: March 27, 2006



Ivor M. Hughes

Barrister & Solicitor

*Patent & Trade Mark Agents
Canada, United States*

**RECEIVED
CENTRAL FAX CENTER**

MAR 27 2006

*Barristers & Solicitors
Ivor M. Hughes
Rick Tizi*

*Patent Agents
Neil H. Hughes, P.Eng.
Marcelo K. Sarkis, P.Eng.
Wm. Kitt Sinden
Samuel T. Tekie, P.Eng.
Francis Ng-Cheng-Hin*

Our Ref: PT-1475000

March 27, 2006

VIA FACSIMILE: (571-273-8300)

The Commissioner of Patents
United States Patent & Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Attention: Ms. Viola R. Smith
Legal Instruments Examiner

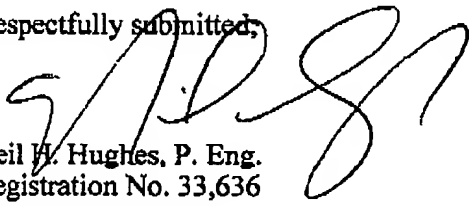
Dear Ms. Smith:

**Re: United States Application No. 09/990,326
of Anthony Derose
for IMPROVEMENTS IN DISPLAY SIGNS, DECORATIVE LIGHTING, AND
ORNAMENTS FOR HOLIDAY SEASONS**

Pursuant to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated March 10, 2006 a copy of which is enclosed for your reference, Applicant has enclosed all the documents filed in response to the outstanding final action including a listing of all claims with respect to the claims that have been withdrawn regarding Applicant's response to Final Official Action dated September 8, 2005 which was due for filing on March 8 2006.

We thank the Commissioner for his cooperation regarding this matter.

Respectfully submitted,


Neil H. Hughes, P. Eng.
Registration No. 33,636
Agent for Applicant

NHH/lvp

Encl. Notice of Non-Compliant Amendment
Amended Applicant's Response to Final Office Action



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/990,326 | 11/23/2001 | Anthony Derosé | PT-1475000 | 2546 |

23607 7590 03/10/2006

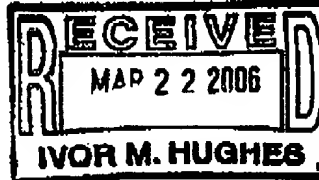
IVOR M. HUGHES, BARRISTER & SOLICITOR,
 PATENT & TRADEMARK AGENTS
 175 COMMERCE VALLEY DRIVE WEST
 SUITE 200
 THORNHILL, ON L3T 7P6
 CANADA

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 03/10/2006



Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

09/990326

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 3/6/06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims) of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other _____
- ☐ 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Ivor M. Hughes
Legal Instruments Examiner (LIE)

571-072 6620
Telephone No.

MAR 27 2006

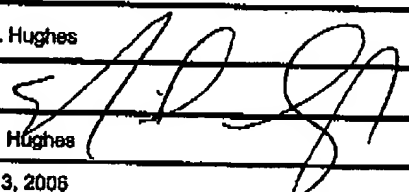
PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|---|----------------------|------------------------|------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 08/990,326 | |
| | Filing Date | November 23, 2001 | |
| | First Named Inventor | Anthony Derosa | |
| | Art Unit | 3811 | |
| | Examiner Name | Joanne Silbermann | |
| Total Number of Pages in This Submission | 26 | Attorney Docket Number | PT-1475000 |

| ENCLOSURES (Check all that apply) | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request For Continued Examination Transmittal |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|---|----------|--------|
| Firm Name | Ivor M. Hughes | | |
| Signature |  | | |
| Printed name | Neil H. Hughes | | |
| Date | March 3, 2006 | Reg. No. | 33,636 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---|--|------|--|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | | | |
| Signature | | | |
| Typed or printed name | | Date | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Ivor M. Hughes**

Barrister & Solicitor

Patent & Trade Mark Agents
Canada, United StatesBarristers & Solicitors
Ivor M. Hughes
Rick TuziPatent Agents
Neil H. Hughes, P.Eng.
Marcelo K. Sarkis, P.Eng.
Wm. Kitt Sinden
Samuel T. Tekie, P.Eng.
Francis Ng-Cheng-Hin

Our Ref.: PT-1475000

March 3, 2006

VIA COURIERThe Commissioner of Patents
UNITED STATES PATENT OFFICE
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

**Re: United States Patent Application Serial No. 09/990,326
of Anthony Derose
for IMPROVEMENTS IN DISPLAY SIGNS, DECORATIVE LIGHTING, AND
ORNAMENTS FOR HOLIDAY SEASONS
Extended Due Date: March 8, 2006**

Please find enclosed herewith the following:

1. Preliminary Amendment With RCE Application In Response to Official Final Action dated September 8, 2005;
2. Request for Continued Examination (RCE) Transmittal of United States Application Serial No. 09/990,326 under 37 C.F.R. §1.114;
3. Request for a three month extension of time making this response due **March 8, 2006**;
4. Check in the sum of **\$1385.00 U.S. funds**.

Please find enclosed our cheque in the amount of \$1385.00 US funds. This sum includes \$510.00 for the three-month extension of time fee, Request for Continued Examination in the amount of \$395.00, \$200.00 for 8 claims above the 20 allowed, \$180.00 for multiple dependent claims and \$100.00 for 1 independent claim above and beyond the three allowed per application for a small entity. If there is any deficiency, the Commissioner is authorized to take the deficit from Applicant's Agent's Deposit Account No. 08-3255 and advise Applicants' Agent.

Also enclosed herewith is a stamped, self-addressed verification card which we request that you kindly acknowledge and return to this office at the earliest opportunity.



Page 2

We thank the Patent Office for its cooperation in this regard and look forward to receiving further correspondence in this matter.

Respectfully submitted,

Neil H. Hughes, P. Eng
Agent for Applicant
Registration No. 33,636

NHH/lvp
Encls.

PTO/SB/17 (01-08)

Approved for use through 07/31/2008. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2008 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) **480.00****Complete If Known**

| | |
|----------------------|-------------------|
| Application Number | 09/990,326 |
| Filing Date | November 23, 2001 |
| First Named Inventor | Anthony Derose |
| Examiner Name | Joanne Silbermann |
| Art Unit | 3811 |
| Attorney Docket No. | PT-1475000 |

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 08-3255 Deposit Account Name: Ivor M. Hughes

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES**Fee Description**

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|-------------------|--------------|----------|---------------|
| 28 - 20 or HP = 8 | 8 | 25 | 200 |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|-----------------|--------------|----------|---------------|
| 4 - 3 or HP = 1 | 1 | 100 | 100 |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| - 100 = | / 50 = | (round up to a whole number) x | = | |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

Fees Paid (\$)**SUBMITTED BY**

| | | |
|----------------------------------|--|------------------------|
| Signature | Registration No. (Attorney/Agent) 33,636 | Telephone 905-771-6414 |
| Name (Print/Type) Neil H. Hughes | | Date March 3, 2008 |

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.